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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/502,494	07/23/2004	Axel Hinz	PC10335US	5683
23122	7590	09/19/2005	EXAMINER	
RATNERPRESTIA P O BOX 980 VALLEY FORGE, PA 19482-0980			KRAMER, DEVON C	
			ART UNIT	PAPER NUMBER
			3683	
DATE MAILED: 09/19/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/502,494

Applicant(s)

HINZ ET AL

Examiner

Devon C. Kramer

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 1-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/23/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

- 1) The disclosure is objected to because of the following informalities:

Paragraph 20 lines 2-3, "accumulator accommodating bore 11, 4" should be – accumulator accommodating bore 4--.

Appropriate correction is required.

### ***Claim Objections***

- 2) Claims 16-17, 20-23 and 26 are objected to because of the following informalities:

Claim 16 line 2, "the discharge" should be –a discharge--;

Claim 16 lines 4-5, "the absorptive volume" should be --an absorptive volume--, please note that claim 17 recites "the volume" also;

Claim 16 line 5, "the design" should be –a design--;

Claim 20 line 3, "the end" should be –an end--;

Claim 21 line 4, "in hood" should be –in the hood--;

Claim 22, "the two pressure compensating portions" should be –two pressure compensating portions--;

Claim 23 line 2, "the second pressure compensating channel" should be –a second pressure compensating channel--;

Please correct the similar objections occurring in claim 26.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

- 3) The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- 4) Claims 13-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. See MPEP § 2173.05(c). Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). In the present instance, claim 1 recites the broad recitation "hydraulic unit, and the claim also recites "in particular for slip-controlled brake systems" which is the narrower statement of the range/limitation.

Claim 15 lines 6-9 recite that the first pressure compensating channel portion extends up to the cover that closes the two accumulator accommodating bores. Please

note that the figures show the channel terminating in the chamber 4a and not at the cover.

Claim 22 recites "with its end the end" in line 6, this is unclear.

***Claim Rejections - 35 USC § 102***

5) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6) Claims 13-23 and 25-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Zaviska (6102495).

In re claim 13, Zaviska provides a hydraulic unit comprising: an accommodating member (3) accommodating inlet and outlet valves (2, 2') in several valve accommodating bores of a first and second valve row (x, y) , said valves opening into a first housing surface of the accommodating member that is disposed at right angles between a second and third housing surface, a pump accommodating bore (7) arranged in the accommodating member and pointing transversely to the direction the valve accommodating bores open into the accommodating member, a motor accommodating bore (8) arranged in the accommodating member for driving a pump inserted into the pump accommodating bore, to what end the motor accommodating bore is aligned transversely to the pump accommodating bore, at least one accumulator (9) accommodating bore opening into the accommodating member into the second housing

Art Unit: 3683

surface, several pressure fluid channels (4, 16, 5) that connect the valve-, pump- and accumulator accommodating bores and are adapted to provide a hydraulic connection between a pressure fluid generator and at least one pressure fluid receiver, including a ventilation system (16, 17) that permits ventilating and venting the pump- and accumulator accommodating bore for pressure compensation exclusively by way of one single ventilation point that is in connection to a pressure compensating channel of the ventilation system, wherein the pressure-compensating channel extends transversely to the motor- and pump accommodating bore from the second housing surface through the motor accommodating bore in the direction of the third housing surface in the accommodating member positioned diametrically to the second housing surface.

In re claim 14, Zaviska provides a first pressure compensation channel portion (13).

IN re claims 15-17, 22, 25-26, see figure 4.

In re claim 18, see col. 2 line 34.

In re claim 19, see col. 4 line 59.

In re claim 20, see element 16, figure 3.

In re claim 21, please note that these features are inherent to the design of Zaviska.

In re claim 23, see element 26.

***Allowable Subject Matter***

7) Claim 24 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

8) The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kehl et al, Weh et al and Dinkel et al all provide blocks for valves, a pump, and a motor.

9) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Devon C. Kramer whose telephone number is 571-272-7118. The examiner can normally be reached on Mon-Fri 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on 571-272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Devon C Kramer

Application/Control Number: 10/502,494  
Art Unit: 3683

Page 7

Examiner  
Art Unit 3683

DK

*Devon Kramer 9/13/05*

**DEVON C. KRAMER**  
**PATENT EXAMINER**